

STANDING CHAPTER 13 TRUSTEE ALJUANRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

GIOVANNI MARIN IRIZARRY

Case No. 19-04547-BKT

WALESKA OLIVO SANTIAGO

Chapter 13

Attorney Name: JESUS ENRIQUE BATISTA SANCHEZ \*

<b>I. Appearances</b> Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Joint Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Attorney for Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> <input type="checkbox"/> Prose <input checked="" type="checkbox"/> Appearing: William Rivera Velez, Esq.	Date & Time: 9/11/2019 10:00:00AM <input checked="" type="checkbox"/> R <span style="margin-left: 20px;"><input type="checkbox"/> NR</span> LV: To be determined <input checked="" type="checkbox"/> This is debtor(s) 1 Bankruptcy filing. Creditors: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <u>First Bank by Ms. Ivelisse Romero</u>  <u>Mr. Albert Lopez for GubeCoop</u>  <u>Guillermo A. Baralt Miro, Esq. for Hima San Pablo</u> </div>
<b>II. Oath Administered</b> <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Yes</span> <span style="margin-left: 40px;"><input type="checkbox"/> No</span>	
<b>III. Plan</b> Date: 08/09/2019 Base: \$13,800.00 Payments 0 made out of 1 due. Confirmation Hearing Date: 10/4/2019 2:30:00PM Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b) <div style="margin-left: 40px;">\$190.00 - \$190.00 = \$0.00</div>	
<b>IV. Status of Meeting</b> <input checked="" type="checkbox"/> Closed <span style="margin-left: 20px;"><input type="checkbox"/> Not Held</span> <span style="margin-left: 20px;"><input type="checkbox"/> Held/Continued</span> <input type="checkbox"/> Held/Not Closed  <input type="checkbox"/> Continued Continued Date: Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☒ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☐ No provision for secured creditor(s)
- ☐ Tax returns missing
  - ☐ State - years
  - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
  - ☐ Premises
  - ☐ Vehicle(s):
  - ☐ Licenses issued by:

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Trustee's objection to confirmation

- ☐ Objection to Confirmation  
☐ Oral objection by creditor

ACP: 5

Household size: 3

Disp. Income under 1325(b)(2): To be determined (preliminary unsec-pool \$108.29 x 60 = \$6,797.40)

\*\*\*\*\*GU disbursement \$8,648.21\*\*\*\*\*

Debtor has failed to commence the plan payments as required by 11 USC 1326(a)(1). Payments will be made n the following 5 days.

UNFAIR DISCRIMINATION, §1322(b):

Debtor listed in Schedule A/B a 2018 Honda CRV , however, per FBPR's proof of claim #4 is a lease, thus, provision in plan should be placed at pr 6.1.

§522 EXEMPTIONS:

Trustee will file an objection to exemptions over potential cause of action for \$1.00.

FAILS DISPOSABLE INCOME TEST, §1325(b)(1)(B):

a. SCMI line 12 discloses vehicle operation expense: Using the IRS Local Standards for \$1,016.00, per trustee mean test calculation this standard is in the

amount of \$474.00. Debtor needs clarify how he reached the amount \$1,016.00 as expenses.

b. Provide evidence for the following:

\* Optional telephones and telephone services in the amount of \$60.00, SCMI line 23.

\* Continuing contributions to the care of household or family members in the amount of \$150.00, SCMI line 26,

not listed

in Schedule J.

\* Additional food and clothing expenses in the amount of \$45.00 SCMI line 30.

c. Residential lease contract discloses that debtor will pay \$55.00 for Homeowner's association or maintenance, however, Schedule J line 4c discloses a

payment of \$100.00.

OTHER:

a. All debtor's income evidence is missing. Debtor only submitted a py stub for 2-15-2019.

b. Joint debtor's income evidence missing: All July.

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- c. Unsecured-pool should be disclosed at part 5.1 box 1 of the plan.
- d. Provide maturity date for retirement loan.
- e. Provide evidence of payment for vehicle's daughter in the amount of \$200.00 monthly. Also, provide evidence of \$350 for allowance for daughter.

Provide evidence of preferential payments to Coop Minillas (payroll deduction); Marcus Goldman (thru bank statements), Credit Cards - Sam's, JC Penny, Macys, 2 Chase, Pentagon, FirstBank. Provide paystubs and bank statements from April thru August 2019. Also,, Amend SOFA accordingly.

Amend SOFA to disclose adversary proceeding against Dra. Elizabeth Pacheco. Debtors alleges that adversary proceeding was filed on September 9, 2019 in the amount of \$100,000.00 Amend SOFA and Schedule A/B" accordingly.

Debtors allege that they are legally married. A document that debtors were divorced was submitted to the Trustee. They alleges that they requested during the 30 days after the divorce judgement that the judgement be vacated. Provide evidence of State Court Resolution.

Debtor disclosed more that 20 firearms in the amount of \$2,500.00 ; provide an estimated for each firearm and amend Schedule A/B accordingly.

The following party(ies) object(s) confirmation:

s/Elvis Cortes

Date: 09/11/2019

Trustee/Presiding Officer

(Rev. 05/13)